

05-29-02

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David K. Mattheis 48,683
Attorney or Agent mailing application Registration No.

David K. Mattheis
Signature of Attorney or Agent mailing application

P&G Case 7187

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

DEAN VAN PHAN : Confirmation No.: 8762
Serial No.: 09/100,624 : Group Art Unit: 1771
Filed: June 19, 1998 : Examiner: C. Pratt

For APPARATUS FOR MAKING STRUCTURED PAPER

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

PURSUANT TO 37 CFR 1.181(a)

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. 1.181(a), Applicant hereby petitions the Commissioner to withdraw the Examiner's holding of abandonment.

Applicant received a notice of abandonment for the above referenced application dated May 7, 2002. The notice stated that the application was abandoned for failure to respond to the Office letter dated August 6, 2001. A review of the file wrapper did not reflect any correspondence dated August 6, 2001. The file wrapper did reflect that Applicant responded on August 2, 2001 to an office action dated April 5, 2001.

Applicant's response of August 2, 2001 comprised an interview summary of a telephonic interview with the Examiner that was conducted on July 9, 2001, together with a Request for an Extension of the Time for Response and authorization to charge the necessary fees for the extension to the Applicant's account. The interview summary included Applicant's arguments as set forth during the interview.

In a conversation with the Examiner on May 23, 2002, the Examiner stated that no Office letter was mailed August 6, 2001. The Examiner also stated that the last correspondence from the Office was the Final Office Action, dated April 5, 2001. The Examiner also stated that the response filed by Applicants on August 2, 2002, was filed as a miscellaneous letter and not docketed.

Applicant therefore petitions for the withdrawal of the holding of abandonment since Applicant filed a proper response to the last correspondence received from the Office together with a request for an extension of the time for response and authorization to charge the necessary fee for the extension to Applicant's account.

Attached please find a copy of Applicant's response of August 2, 2001 together with the request for an extension of time for response.

Respectfully submitted,
FOR: DEAN VAN PHAN

By


David K. Mattheis
Attorney for Applicant
Registration No. 48,683
(513) 634-7419

Date: May 28, 2002
Customer No. 27752



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box AF, Commissioner for Patent, Washington, D.C. 20231 on July 2, 2001.

David K. Mattheis P-18,683
Name of Attorney Reg. Number

Signature

Case 7187

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

— In the Application of :
DEAN VAN PHAN :
Serial No. 09/100,624 : Group Art Unit 1771
Filed June 19, 1998 : Examiner C. Pratt
Confirmation No. 8762 :
For Apparatus For Making :
Structured Paper :
:

INTERVIEW SUMMARY

Box AF
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This submission is intended to relate the substance of a telephonic interview with Examiner Pratt held July 9, 2001 regarding the above-referenced application. As per the request of the Examiner, Petitioners herewith submit the arguments presented during the interview for further review by the Examiner and his Supervisor.

Petitioners submit that the present invention relates to a papermaking belt comprised of a structure forming layer and a dewatering felt layer. The Examiner has rejected claims 1-3, 5-8 and 22-25 under 35 U.S.C. § 103(a) as being unpatentable over Trokhan (5,556,509) in view of Deschamps (FR 394134).

Petitioners submit that the '509 patent teaches dewatering of the paper web by contact between the dewatering felt and the web. Further that the dewatering occurs because the felt layer in contact with the web is a high density felt layer. The second layer of the preferred embodiment of the '509 patent is of a lower density than the first layer. Water that begins to move from the paper web into the first layer - because the first layer has a high density and small pores - will continue to move into the second layer because the second layer has a lower density and less resistance to flow than the first layer.

With respect to the Examiner's argument that a high density woven layer could be substituted for the high density felt layer of the '509 patent, if such a woven layer were functionally equivalent to the high density felt layer. Petitioners submit, however, that a woven layer with pores small enough that the layer would be functionally equivalent to the high density felt layer of the '509 patent, would not be able to satisfy the claim requirement that the layer have a higher air permeability than the second layer of the belt. The air permeability of a layer is related to the size of the pores and the density of the layer. Smaller pores and a higher density reduce air permeability. Thus, a tightly woven layer with small pores equivalent to a high density felt would have a low air permeability.

Petitioners respectfully submit that a woven structure according to Deschamps or according to Trokhan '790, (cited by the Examiner with Trokhan '509 against claims 9, 11-18, and 20-21) cannot simultaneously satisfy the functionality of the high density felt layer of the '509 patent and the requirement of the present invention that the air permeability of such a layer be greater than the air permeability of the second layer of the belt. Accordingly, Petitioners assert that the substitution of a woven structure that is functionally equivalent to the top layer of the '509 patent would not result in the claimed invention. Therefore, Petitioners assert that the substitution of a woven structure according to the claimed invention for the top layer of the '509 patent would not be obvious to one skilled in the art because such a substitution would not function as the belt of the '509 patent.

Accordingly, Petitioners respectfully request that the rejection of claims 1-3, 5-9, 11-18 and 20-25 be withdrawn and that the claims be allowed.

Respectfully submitted,

FOR: DEAN VAN PHAN

By 

David K. Mattheis
Attorney (or Agent) for Applicant(s)
Registration No. P48.683
(513) 634-7419

August 2, 2001
Customer No. 27752

(appnot.doc)
(Last Revised 3/22/01)